

DRINKING WATER PROGRAM
FY 2005 & FY 2006
WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
Guidance and Reporting Checklist-

February 2007

This Guidance and Reporting Checklist attempts to capture all of the tasks which make up a state's drinking water program. This includes all Primacy elements and other statutory requirements under the Safe Drinking Water Act, and those activities which could be funded with the DWSRF set-aside funds, Operator Certification Expense Reimbursement Grants (ERG) or the state Water Protection Coordination (Security) grants.

This Guidance attempts to capture activities for two years to assist those states wishing to develop two-year workplans and PWSS applications reflecting a two-year budget.

This Guidance links the various aspects of the drinking water program to EPA's Strategic Plan goals, objectives and subobjectives. Example Outputs and Outcomes have also be included, but states are encourage to identify as many Outputs and Outcomes under the various program components as possible.

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All reporting is considered to be via the semi-annual self-assessments, unless noted otherwise.

1. Focus Activities for FY '05-06

These are the activities which need special emphasis during the year due to their importance or due to a regulatory deadline. These are listed here to capture your attention. These activities should not reduce the focus placed on responding to acute health contaminants at all public water systems.

- Continuation of Emergency Preparedness/Increased Security Activities with both state staff and public water suppliers, including responding to threats and emergencies.
- New Rule Development and adoption or submission of extension requests. Implementation of new federal rules to the extent possible under state regulations and as per Extension or Early Implementation Agreements.
- State Specific Activities
- Continuation of Operator Certification Programs and Expense Reimbursement for training
- Continue to improve Quality Systems and documentation of these systems, including revisions to QMPs and/or QAPPs as necessary due to the adoption of new regulations.
- Continue to improve data quality in SDWIS

The reporting on these activities should be done in the corresponding section of the Checklists.

Description of Joint Evaluation Process

The joint evaluation process will include semi-annual progress reports by the state, including the elements of 40 CFR §§ 35.115 and 31.40-41. EPA will assist the state in the development of a reporting checklist tool, completing the status of any known items for the state. The state will further complete the reporting checklist tool and submit to PEA on a semi-annual basis. EPA will review and provide feedback on these progress reports as quickly as possible. EPA will meet with the state, typically planned for mid-year timeframe, to discuss progress under the grant, any obstacles or short comings and make recommendations to the state for corrective action. EPA will provide all findings in writing to the state and may require the submission of a corrective plan by the state. In the event that resources do not allow EPA to meet with the state, e-mail and telephone discussions will take place to complete this evaluation.

Goal 2: Safe and Clear Water--Ensure drinking water is safe. Restore and maintain oceans, watersheds and their aquatic ecosystems to protect human health, support economic and recreational activities, and provide healthy habitat for fish, plants and wildlife.

Objective 1: Protect human health by reducing exposure to contaminants in drinking water (including protecting source water), in fish and shellfish, and in recreational waters.

Subobjective 1: Water safe to drink

2. Activities Required to Maintain Public Water System Supervision (PWSS) Program Primacy. See elements of 40 CFR §§142.10, 142.12, 142.14, 142.15, and 142.16.

Outcomes: Implementation of an effective drinking water program as described in the workplan, increasing the knowledge and awareness of water suppliers of drinking water regulations; improved public health protection; increased public awareness of drinking water quality; achievement of compliance with drinking water regulations; measureable progress toward achievement of all outputs.

2.1 Data Management

Objectives/Outputs: ensuring accurate and complete data related to inventory, compliance and enforcement activities are provided to EPA in a timely manner, each quarter;

Task 2.1.1

Participate in and follow-up to EPA **Data Verification Audit findings**. State will address major findings of the report and report to EPA on its activities to prevent future occurrences.

Progress Made To-Date [Relationship between discrepancies from most recent DV Report (February 2006) with current Action Plan (March 2006) to address those discrepancies.]

Future Plans [Next review is scheduled for 2008.]

Benefits (Lessons learned, if any) Discuss any proactive measures to avoid reoccurrence of discrepancies.

Task 2.2.23

Consumer Confidence Report: Report on implementation of CCR Rule (§142.15, §142.16(f))

States with Primacy for the CCR rule must report violations and enforcement actions directly to SDWIS by 11/15.

States without Primacy: Report in August CWSs that sent out CCRs and those that did not in an easy to read format, EPA will generate violations for SDWIS. Report similar data for the certifications.

Progress Made To-Date

On-going. Violations reported using FedRep.

531 Affected PWS

400 On-time submittals (75% approximate)

477 On-time + late submittals (90% approximate)

Future Plans

Benefits (Lessons learned, if any) Discuss any proactive measures taken to reduce # of violations.

Task 2.4.1

Maintain an adequate sanitary survey program. Document deficiencies found in the surveys and follow-up to correct these deficiencies within the State's authority. Please provide the number of CWSs, NTNCWSs, and NCWSs which are scheduled for sanitary surveys in FYs 2006 and 2007 in the State's workplan and provide an update on the number of surveys completed. Please report on any key survey deficiencies or issues at SNC systems. §142.16

Progress Made To-Date

Completed 4/1/05 – 12/31/05 (FY 06):

CWS = 99
NTNCWS = 16
TNCWS = 36
TOTAL = 152

Future Plans

Projected 1/1/06 – 6/30/06 (FY 06):

CWS = 78
NTNCWS = 12
TNCWS = 12
TOTAL = 106

Projected 7/1/06 – 12/31/06 (FY 07):

CWS = 130
NTNCWS = 32
TNCWS = 34
TOTAL = 196

Benefits (Lessons learned, if any)

Note: Section 3 is included in this Generic Program Guidance for additional background information and to help describe the full breadth of the SDWA programs. If any state activity to meet requirements outlined here in Section 3 are funded under the DWSRF set-aside funds, they should NOT appear in the PWSS Program grant workplan. See additional National and Regional Guidance for more details on DWSRF applications/workplans.

The activities under Sections 3.0 General Provisions, 3.1 Capacity Development, and 3.2 Operator Certification are required to receive the entire DWSRF Program Allocation. The activities under Section 3.3 Source Water Protection, are not required to receive DWSRF funds. However, if the State wishes to adopt alternative monitoring requirements, the State must have an approved source water protection program, and the State can use DWSRF funds to conduct source water assessments.

Goal 2: Safe and Clear Water--Ensure drinking water is safe. Restore and maintain oceans, watersheds and their aquatic ecosystems to protect human health, support economic and recreational activities, and provide healthy habitat for fish, plants and wildlife.

Objective 1: Protect human health by reducing exposure to contaminants in drinking water (including protecting source water), in fish and shellfish, and in recreational waters.

Subobjective 1: Water safe to drink

3.0 General Provisions

This portion of the Checklist should be used to capture the 2%, 10% and 15% Set-aside funded activities only. The 4% Administrative set-aside and the loan portion of the program are handled by the MFAB at EPA Region 3 and as such, as not covered here unless specifically identified. A few reminders: State must (1) prepare a plan that identifies the intended uses of the amounts available to the DWSRF Program, annually, SDWA 1452(b)(1); (2) Develop and publish a list of prioritized projects in the State that are eligible for funding. The State should develop an overall priority list, as well as a list of projects to be funded in the coming year, SDWA 1452(b)(3)(B) and page 9-11 of the February 28, 1997 final DWSRF Guidance; (3) Review all Significant Non-compliers and list of chronic non-compliers before providing a loan, SDWA 1452(a)(3)(C); (4) Prepare and submit a report to U.S. EPA every 2 years on the State's activities in administering the DWSRF Program, including the findings of the most recent annual audits of the fund conducted by the State. SDWA 1452(g)(4), and page 45 of the February 28, 1997 final DWSRF Guidelines; and (5) provide semi-annual progress reports on Set-aside funded activities.

Outputs as noted below with each set-aside

Outcomes: Improved operational and/or financial efficiency; improved compliance with NPDWR for systems receiving technical assistance or improved operator performance; attainment of Primacy for new rules (for states using program funds for this purpose); improved data quality (for states using program funds for this purpose); reduced treatment expenses for water systems due to source water protection efforts; improved customer and stakeholder satisfaction; improved efficiency through consolidation or regionalization.

Set-Aside Funded Activities for SFY 2007

Task 3.0.1.

15% SET-ASIDE: CAPACITY DEVELOPMENT ASSESSMENTS

Relationship to On-Going Program [Improve understanding of the contribution of set-aside funded activities in supporting other aspects of the State drinking water and ground water programs]

Progress Made To-Date

Future Plans

Outcomes/Benefits (Lessons learned, if any) [EPA Order 5700.7 to specifically identify outputs and outcomes][Evaluate the success of work funded by the DWSRF set-asides]

3.1 Capacity Development

Background Notes:

The State had until September 30, 1999 to obtain legal authority or other means to ensure that all new CWSs and new NTNCWSs that commence operation after October 1, 1999, demonstrate technical, managerial, and financial (TMF) capacity with respect to the NPDWRs. Twenty percent of a State's allotment would have been withheld beginning October 1, 1999 for FY'00 funds. In the fiscal years following a state's initial documentation of a fully functional program, a state must document that it is requiring a demonstration of technical, managerial, and financial capacity by every new CWS and every new NTNCWS to avoid withholding of 20% of its DWSRF allotment. 1452(a)(1)(G)(i) and 1420 (a), and page 15 of the February 28, 1997 DWSRF Guidelines.

The State had until August 6, 2000 to develop and begin implementing a strategy to assist existing PWSs in acquiring and maintaining technical, managerial, and financial capacity, otherwise 10% of the FY '01 DWSRF funds allocated to the State would have been withheld. In the fiscal years following a state's initial documentation of a fully functional program, a state must document that it is implementing its strategy to avoid withholding of 20% of its FY'03 DWSRF allotment and in each subsequent year. 1452(a)(1)(G)(i) and 1420 (c), and page 16 of the February 28, 1997 DWSRF Guidelines.

3.1.0 Capacity Development Authority (New Systems) SDWA Section 1420

The state's program will be evaluated annually as of October 1. The withholding occurs at the time of the DWSRF award for those FY funds. **Appendix D is a placeholder for new EPA Guidance expected Summer 2005.**

Task 3.1.0.1.

Annual Review and Reporting on New System Demonstration of TMF: A state must document that it is requiring a demonstration of technical, managerial, and financial capacity by every new CWS and every new NTNCWS. Documentation could consist of summary statistics regarding the number of new CWSs and NTNCWSs and the results of their required capacity demonstrations. Documentation should also address methods used to evaluate and verify program implementation.

Each semi-annual progress report should include:

- Number and list of approved new CWSs and NTNCWSs
- Compliance status of new CWSs and NTNCWSs that commenced operation after October 1, 1999

See PWSS Guidance, Appendix D for a sample reporting format.

Progress Made To-Date

New systems are required to complete Form EW-100 Capacity Development Questionnaire (Addendum). After reviewing the completed form, we determine if the system has adequate capacity and the Permit to Construct is issued or denied accordingly.

Two Permits to Construct were issued in April 2005 for applications filed previously (Rock Spring Church and Preschool and Morning Dove Estates). Two additional systems applied for permits during the reporting period. Metikki Coal's permit was issued in July 2005 and Springdale Farm Development's in November 2005.

The compliance status of new CWSs and NTNCWSs was provided in the Capacity Development Program Annual report in November 2005.

Future Plans

Benefits (Lessons learned, if any) [EPA Order 5700.7 to specifically identify outputs and outcomes]

4. Recommended Activities (These are activities that do not affect PWSS Primacy or the receipt of Drinking Water State Revolving Loan Funds. However many could be funded under either program.)

Goal 2: Safe and Clear Water--Ensure drinking water is safe. Restore and maintain oceans, watersheds and their aquatic ecosystems to protect human health, support economic and recreational activities, and provide healthy habitat for fish, plants and wildlife.

Objective 1: Protect human health by reducing exposure to contaminants in drinking water (including protecting source water), in fish and shellfish, and in recreational waters.

Subobjective 1: Water safe to drink

Task 4.4.1

Participate in State implementation of the 305(b) guidelines for drinking water to elevate awareness of drinking water as a designated use within the 305(b) program, increase the percentage of waters assessed for drinking water use support, and enhance the accuracy and value of the assessments. Facilitate a working relationship between the State drinking water and clean water staff to provide the most accurate and representative assessment of source waters, based on available data which the State believes best reflects the quality of the resource. Adopt the Watershed approach. Work with State water quality standard staff to ensure that use designations under the Clean Water Act reflect the location of surface source water areas for drinking water intakes, and wellhead protection areas which may be influenced by surface water (i.e., induced infiltration of surface water into drinking water wells). Be sure upstream dischargers are aware of downstream drinking water intakes. Also, work cooperatively with State ambient monitoring staff, including the 305(b) staff, to ensure that duplication of monitoring efforts in source water assessment projects are not occurring, that existing data are recognized and used, and that any new data that are collected are appropriate. EPA Region III will assist in the use of STORET data as needed.

Progress Made To-Date

Staff of the BPH has developed a working relationship between the State's SDWA program, Environmental Quality Board (Effective July 1, 2005, the rulemaking authority regarding water quality standards was transferred from the Environmental Quality Board to the West Virginia Department of Environmental Protection) and the Clean Water Act (Watershed Management Framework) program to provide the most accurate and representative assessment of source waters, based on available data which the State believes reflects the quality of the resource.

The BPH website continues to provide information on the SWAP/WHP programs and guide municipalities, water suppliers, and other groups through developing a local SWAP program. Future projects include the development of a secure website that will provide the wellhead and source water areas, location of public supply wells, and potential contaminant sources for use by other utilities, state, emergency management, and federal agencies.

Participates with the USGS and WVDEP on the ambient groundwater mentoring program.

Future Plans

Outcomes/Benefits (Lessons learned, if any) [EPA Order 5700.7 to specifically identify outputs and outcomes][Evaluate the success of work funded by the DWSRF set-asides]

5. Additional State Activities funded with PWSS Grant monies: Include here any additional projects funded under the PWSS grant. You may also want to use this area to track equipment purchases, staff hiring, etc. or do so on a separate page.

6. Water Protection (Security) Coordination Grants

Separate Guidance is issued regarding these grants. This section of the checklist can be used to list the activities funded so that the Checklist can be used for reporting purposes.

Goal 2: Safe and Clear Water--Ensure drinking water is safe. Restore and maintain oceans, watersheds and their aquatic ecosystems to protect human health, support economic and recreational activities, and provide healthy habitat for fish, plants and wildlife.

Objective 1: Protect human health by reducing exposure to contaminants in drinking water (including protecting source water), in fish and shellfish, and in recreational waters.

Subobjective 1: Water safe to drink

Outcomes: improved protection of critical infrastructure; increase state preparedness, response, and recovery capabilities; increased state coordination, communication and information sharing capabilities; changes in management and operation of water systems based on training; increased awareness of water utilities, general public, local police and emergency responders, and others of the areas of concern from public water system perspective.

Tasks 6.0: S&T Emergency Preparedness

Progress Made To-Date

Future Plans

Benefits (Lessons learned, if any) [EPA Order 5700.7 to specifically identify outputs and outcomes]

Task 6.1: STAG – Emergency Communications

Progress Made To-Date

Future Plans

Benefits (Lessons learned, if any) [EPA Order 5700.7 to specifically identify outputs and outcomes]

7. Operator Certification Expense Reimbursement Grants (ERG)

Separate Guidance has been issued for these grants. Use this space on the Checklist to capture the funded activities and use this tool for reporting purposes. **NOTE: Environmental Results provisions do not apply to these grants. These grants were awarded prior to EPA Order.**

Goal 2: Safe and Clear Water--Ensure drinking water is safe. Restore and maintain oceans, watersheds and their aquatic ecosystems to protect human health, support economic and recreational activities, and provide healthy habitat for fish, plants and wildlife.

Objective 1: Protect human health by reducing exposure to contaminants in drinking water (including protecting source water), in fish and shellfish, and in recreational waters.

Subobjective 1: Water safe to drink

Task 7.0: Online Training

Progress Made To-Date

Future Plans

Outcomes/Benefits (Lessons learned, if any) [EPA Order 5700.7 to specifically identify outputs and outcomes]

Task 7.1: In-house Development

Progress Made To-Date

Future Plans

Outcomes/Benefits (Lessons learned, if any) [EPA Order 5700.7 to specifically identify outputs and outcomes]

Task 7.2: Backflow Prevention Assembly Test(s)

Progress Made To-Date

Future Plans

Outcomes/Benefits (Lessons learned, if any) [EPA Order 5700.7 to specifically identify outputs and outcomes]